

### REMARKS

Claims 41-57 are pending. Claims 41 and 54-57 are amended, as discussed below.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

#### I. The Rejection of Claims 56 and 57 under 35 U.S.C. 112, Enablement

Claims 56 and 57 are rejected under 35 U.S.C. 112, as allegedly lacking enablement. The Office states that although the specification is enabled for constructing a variant that has maltogenic alpha-amylase activity, the specification does not reasonably provide enablement for the construction of a variant void of maltogenic alpha-amylase activity.

As amended, claim 56 and 57 now clarify that the variant has maltogenic alpha-amylase activity. For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

#### II. The Rejection of Claims 41-57 under 35 U.S.C. 112, Indefiniteness

Claims 41-57 are rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite. The Office states that the phrase "which can be accommodated in the structure" is indefinite.

In order to expedite prosecution, the phrase "which can be accommodated in the structure" has been deleted. For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

#### III. The Rejection of Claims 54-57 under 35 U.S.C. 112, Indefiniteness

Claims 54-57 are rejected under 35 U.S.C. 112, as allegedly indefinite. The Office states that these claims are unclear because it is not clear how many times the steps are repeated, that is, at what point does one stop repeating. This rejection is respectfully traversed.

Applicants respectfully submit that the term "repeating" is not unclear. The number of times in which the steps will be repeated is appropriately reserved for the skill and discretion of the artisan carrying out the claimed invention. For example, if an artisan is satisfied with the results after repeating the steps once, the artisan can stop repeating. However, if the artisan wants to further improve the enzyme, the artisan may decide to repeat the steps more than once, until the

desired result is obtained. Thus, the term "repeating" is not unclear because, as would be understood, the number of repetitions is appropriately left to skill and discretion of the artisan practicing the claimed invention.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **IV. The Rejection of Claims 55 and 56 under 35 U.S.C. 112, Indefiniteness**

Claims 55 and 56 are rejected under 35 U.S.C. 112, as allegedly indefinite. The Office states that the phrase "preparing the variant resulting from step a-d" of (claim 55) and the phrase "preparing the variant resulting from steps a-e)" of claim 56 are vague and indefinite. This rejection is respectfully traversed.


As amended, the claims now recite preparing the variant after step d (claim 55) or after step e (claims 56 and 57). For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **V. Conclusion**

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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